REMARKS

This is responsive to the office action dated February 20, 2008. A response is due on May 20, 2008 without an extension of time.

Claims 1, 3-16, 18-19, 22-30, 32-34, 36-41, 43-45 and 47-56 are now pending in this application. Claims 1, 27, 36, 37, and 43 are currently amended.

Claims 36, 37, and 43 were objected to because of certain informalities. These have been corrected.

Claim 27 was rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The presently amended claim 27 is believe to now comply with §101 since the presently amended claims contain the necessary physical articles or objects (e.g., "a digital computer means . . . " to constitute and machine or manufacture.

Claims 1, 3-16, 18-19, 22-30, 32-34, 36-41, 43-45, and 47-56 were rejected under 35 U.S.C. §103 (a) as being unpatentable under Kim et al (U.S. Patent Publication No. 2003/0120729) in view of Ferguson et al (U.S. Patent No. 6,820,094) and Grefenstette (U.S. Patent Publication No. 2004/0205448).

The present invention is directed to a data-management system and device to be provided to a digital computer terminal for generating a link in real time between an electronic document opened in a computer application and a target document. The digital computer terminal includes a computer readable memory and a data-capture device, while the data-management system includes data-capture logic and device for controlling capture of electronic data by the data-capture device, target-document logic for generating the target document from the electronic data, which represents an information object captured by a data-capture device, and link-generating logic for substantially simultaneously storing the target document in the computer readable memory and generating the link to the target document in the electronic document in real time. The present invention also provides a data-management system for generating a plurality of links to target documents in an electronic document.

The present invention is different in that a link is not limited to HTML and can include C, Basic, Java, Assembler, and the like. The present invention does not require an HTTP server, and can operate self-contained on a stand-alone PC (no network required), or over a network of any type –

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TCP/IP, IPX/SPX, Banyan's Vines, AppleTalk, DLC, etc. The present invention creates links in a spreadsheet, word processing document, database, or flowchart and can create multiple links in the same process required to create one link. The present invention also creates a link to any type of electronic document, regardless of what application created the document, and regardless of what application is required to view the document. Thus, the present invention goes beyond simple document management applications, since its main purpose is preparing documents with supporting links to be transmitted electronically while maintaining the operability of the links.

The Examiner has correctly noted that Kim et al does not explicitly teach data management logic to automatically update a path of a link. The Examiner is incorrect in that Ferguson suggests this limitation. The present claims now emphasize that the link is a hyper link to distinguish any general "links" in the prior art. The update that Ferguson describes is between the STG (attribute file) and the Smart folder, not between the links' target file and the source document. Smart folders are described as folders associated with certain categories or criteria. Source documents are associated with smart folders based on attributes found in their associated STG files.

For example, a smart folder could be created with the category "Green". Therefore, all STG files with a Color attribute of Green would be associated with the Green smart folder. When a STG file's color attribute is changed from Green to Red the link between the STG file and the Green smart folder would be eliminated. From this, how does Ferguson teach us how to update the underlying path to a link? Ferguson never describes updating link paths but instead exhaustively describes categories and categorization of documents – see Column 6, Lines 65- end, Column 7, Lines 1 – 45. An STG file is not a link to a specific electronic document; instead it is a file that contains many attributes that describe a corresponding electronic document.

As the Examiner has noted Ferguson in column 3 lines 59-65 and column 7 lines 47-57 teaches updating a file. As stated in Ferguson "an existing STG file may be updated if the corresponding document is modified". But it is also noted in the section quoted by the Examiner in column 7 that Ferguson teaches that "if a document is modified such as the modification causes the document to no longer meet the category criteria of a particular smart folder, the link between the documents STG and the smart folder may be eliminated." This does not teach updating the link and Ferguson does not teach

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the inclusion of link editing logic for such a purpose.

Grefenstette teaches a meta-document management system with document identifiers in which a personality that identifies enrichment themes of a document is associated with a reading or mobile computing device. It is a teaching that is similar to Ferguson and adds nothing to the combination of the Kim and Ferguson references. The updating of link or hyperlink paths is never mentioned in Grefenstette. They only mention of updating the source document from the target documents is in paragraph [0295] in which Grefenstette describes a meta container that is created by specifying source documents from which information is pulled and inserted into the meta document. The "updating" that is mentioned is not the updating of link paths to these source documents but the polling of those source documents for new information that is then re-inserted into the meta document. Grefenstette does not teach updating the link and does not teach the inclusion of link editing logic for such a purpose.

The present claim amendments are for the purpose of clarifying the Section 101 issues raised by the Examiner. Therefore, all of these issues have been considered by the Examiner before and no new issues are presented by this amendment. The Examiner has included a new reference which does not add any teachings not already presented and none of which anticipate or obviate the presently claimed invention.

Since neither Ferguson nor Kim or any combination thereof suggest updating the link as is claimed in applicants' currently amended claims, applicants' claims should be considered patentable. Therefore, reconsideration and withdrawal of the rejections and allowance of the claims pending in the application, namely Claims 1, 3-16, 18-19, 22-30, 32-34, 36-41, 43-45 and 47-56 is respectively requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,271	02/17/2004	Philip C. Hodge	110308.0005	2235

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EXAMINER
STEVENS, ROBERT

ART UNIT	PAPER NUMBER
2162	

MAIL DATE	DELIVERY MODE
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Response due 2-14-09

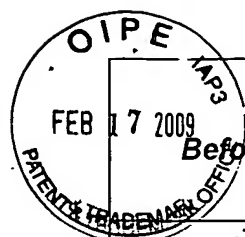**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

RECEIVED JAN 26 2009

Sent to Docketing
1/26

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/780,271	HODGE ET AL.
	Examiner	Art Unit	
	ROBERT STEVENS	2162	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>15 December 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>4</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

   Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,3-16,18,19,22-30,32-34,36-41,43-45 and 47-56*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/John Breene/
Supervisory Patent Examiner, Art Unit 2162

/Robert Stevens/
Examiner
Art Unit: 2162

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant has amended the independent claims and thereby changed the scope of the claims. For instance, it is noted that a "hyperlink" is narrower in scope than a "link". Further search and/or consideration would be necessary in order to fully evaluate such amendments.

Applicant argues on pages 13-14 that the references do not teach data management logic to automatically update a path of a link, because the Ferguson reference teaches the use of STG files which describe a corresponding electronic document, and not a link to a specific document.

The Office respectfully disagrees, noting that the references as a whole teach the recited claim language. It is noted that the terminology "link" is rather broad, and can be reasonably interpreted as an "association". In that regard the references may reasonably be interpreted as teaching a link to an electronic document as STG files are "associated with" an electronic document.

Therefore, the Office maintains the objections/rejections as set forth in the previous action. /RS/